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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

JONATHAN MCNEAL, a minor, by and  
through his natural parents, Tammie McNeal and  
Kevin McNeal,

Plaintiff,

vs.

NYE COUNTY SCHOOL DISTRICT, a  
political subdivision of the State of Nevada;  
SARAH HOPKINS, individually; HOLLY  
LEPISTO, individually; PHYLLIS DUSHANE,  
individually and KATHERINE CUMMINGS,  
individually,

Defendants.

Case No.: 2:12-cv-01717-JAD-CWH

Consolidated With Cases:

2:12-cv-02006-JAD-CWH

2:12-cv-02011-JAD-CWH

**DEFENDANT PHYLLIS DUSHANE'S REQUEST FOR EXCEPTION OF  
ATTENDANCE REQUIREMENT AT SETTLEMENT CONFERENCE SCHEDULED  
FOR JULY 28, 2014**

Defendant Phyllis Dushane ("Dushane"), by and through her attorneys of record, Craig R. Anderson, Esq. and Jamie A. Frost, Esq., hereby submit this Request for Exception of Attendance at the Settlement Conference scheduled for July 28, 2014. The settlement conference in this matter is scheduled for Monday, July 28, 2014, at 9:00 a.m.

Defendant Dushane currently resides in the state of Colorado. Therefore, she requests an exception of attendance as it is financially burdensome and, as set forth below, unnecessary for Ms. Dushane to attend the settlement conference. The following facts support this request:

1. Defendant Dushane currently lives in Colorado and is no longer an employee of Floyd Elementary ("Floyd") located in the Nye County School District ("NCSD") or NCSD.

1           2.       Defendant Dushane has cancer and is currently undergoing treatment.

2           3.       Additionally, Defendant Dushane's husband is also sick and resides in a nursing  
3 home which Defendant Dushane visits on a regular basis.

4           4.       Further, because only official capacity claims exist against Defendant Dushane,  
5 Nevada Public Agency Insurance Pool has full settlement authority regarding all claims on  
6 behalf of Defendant Dushane.

7           5.       A representative of Nevada Public Agency Insurance Pool and Defendant  
8 Dushane's counsel will be in attendance with full settlement authority for all claims.

9           6.       Defendant Dushane does not have the resources and attendance at the settlement  
10 conference would be financially burdensome.

11           7.       Finally, Plaintiffs do not have any opposition to Defendant Dushane's request for  
12 exception of attendance requirement at the settlement conference.

13           For the reasons set forth above, Defendant Dushane respectfully requests that her  
14 attendance requirement for this settlement conference be waived.

15           Dated this 2nd day of July, 2014.

16  
17                                   MARQUIS AURBACH COFFING

18  
19                                   By: /s/ Jamie A. Frost  
20                                   Craig R. Anderson, Esq.  
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**ORDER**

IT IS SO ORDERED THAT, good cause appearing therefore, that Defendant Phyllis Dushane's attendance at the settlement conference on July 28, 2014, at 9:00 a.m., is waived.

Dated this 3 day of July, 2014.

  
\_\_\_\_\_  
United States Magistrate Judge

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